

ROBBINS ARROYO LLP
BRIAN J. ROBBINS (190264)
brobbins@robbinsarroyo.com
GEORGE C. AGUILAR (126535)
gaguilar@robbinsarroyo.com
LAUREN N. OCHENDUSZKO (274227)
lochenduszko@robbinsarroyo.com
600 B Street, Suite 1900
San Diego, CA 92101
Telephone: (619) 525-3990
Facsimile: (619) 525- 3991

Proposed Co-Lead Counsel and Counsel for Plaintiffs Ian Cassiman and Clair Vanderschaaf

[Additional Counsel on Signature Page]

13 IAN CASSIMAN, Derivatively on Behalf) Case No.: C-12-05556-RS
of OCZ TECHNOLOGY GROUP, INC.,)
14 Plaintiff,)
v.)
15 RYAN M. PETERSEN, ARTHUR F.) **STIPULATION CONSOLIDATING**
KNAPP, JR., RALPH H. SCHMITT,) **ACTIONS AND RELATED MATTERS**
16 ADAM J. EPSTEIN, RICHARD L.) **AND [PROPOSED] ORDER THEREON**
HUNTER, and RUSSELL J. KNITTEL,)
17 Defendants,)
18 -and-)
19 OCZ TECHNOLOGY GROUP, INC., a)
Delaware corporation,)
20 Nominal Defendant.)
21)
22 Judge: Hon. Richard Seeborg)

23 [Caption Continued on the Next Page]

1 CLAIR VANDERSCHAAF, Derivatively) Case No.: C-12-06058-RS
2 on Behalf of OCZ TECHNOLOGY)
3 GROUP, INC.,)
4 Plaintiff,)
5 v.)
6 RYAN M. PETERSEN, ARTHUR F.)
7 KNAPP, JR., RALPH H. SCHMITT,)
8 ADAM J. EPSTEIN, RICHARD L.)
9 HUNTER, and RUSSELL J. KNITTEL,)
10 Defendants,)
11 -and-)
12 OCZ TECHNOLOGY GROUP, INC., a)
13 Delaware corporation,)
14 Nominal Defendant.)
15 ROBERT L. MORTON, Derivatively on)
16 Behalf of OCZ TECHNOLOGY GROUP,)
17 ING.)
18 Plaintiff,)
19 v.)
20 RALPH H. SCHMITT, ADAM J.)
21 EPSTEIN, RICHARD L. HUNTER,)
22 RUSSELL J. KNITTEL, RYAN M.)
23 PETERSEN and ARTHUR F. KNAPP, JR.,)
24 Defendants,)
25 -and-)
26 OCZ TECHNOLOGY GROUP, INC., a)
27 Delaware corporation,)
28 Nominal Party.)

Judge: Hon. Richard Seeborg
Case No.: C-12-06343-RS
Judge: Hon. Richard Seeborg

1 WHEREAS, there are presently three related shareholder derivative actions against
 2 certain of the officers and directors of OCZ Technology Group, Inc. ("OCZ") on file in this
 3 Court;

4 WHEREAS, in an effort to assure consistent rulings and decisions and the avoidance of
 5 unnecessary duplication of effort, counsel for plaintiffs as well as counsel for defendants in the
 6 related OCZ shareholder derivative actions currently on file in this Court enter into this
 7 stipulation. The counsel are: (1) Robbins Arroyo LLP on behalf of plaintiffs Ian Cassiman and
 8 Clair Vanderschaaf; (2) Robbins Geller Rudman & Dowd LLP on behalf of plaintiff Robert L.
 9 Morton; (3) and Wilson Sonsini Goodrich & Rosati on behalf of defendants Arthur F. Knapp, Jr.,
 10 Ralph H. Schmitt, Adam J. Epstein, Richard L. Hunter, Russell J. Knittel, and nominal defendant
 11 OCZ;

12 WHEREAS, the parties have met and conferred and agree that the actions should be
 13 consolidated under Rule 42(a) of the Federal Rules of Civil Procedure and that consolidation of
 14 the actions will promote judicial economy and preserve both public and private resources; and

15 WHEREAS, plaintiffs and defendants agree that it would be duplicative and wasteful of
 16 the Court's resources for defendants named in plaintiffs' shareholder derivative actions to have to
 17 respond to the individual complaints prior to the agreed upon consolidation;

18 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs and
 19 defendants, through their respective counsel of record, as follows:

20 1. The following actions are hereby related and consolidated for all purposes,
 21 including pre-trial proceedings and trial:

<u>Case Name</u>	<u>Case Number</u>	<u>Date Filed</u>
<i>Cassiman v. Petersen, et al.</i>	No. C-12-05556-RS	October 29, 2012
<i>Vanderschaaf v. Petersen, et al.</i>	No. C-12-06058-RS	November 29, 2012
<i>Morton v. Schmitt, et al.</i>	No. C-12-06343-RS	December 14, 2012

1 2. Every pleading filed in the consolidated action, or in any separate action included
2 herein, shall bear the following caption:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OCZ TECHNOLOGY GROUP,
INC. SHAREHOLDER DERIVATIVE
LITIGATION) Lead Case No. C-12-05556-RS
)) (Consolidated with Case Nos. C-12-06058-
) RS, C-12-06343-RS)
This Document Relates To:))
 ALL ACTIONS))

11 3. The files of the consolidated action shall be maintained in one file under Master
12 File No. C-12-05556-RS.

13 4. Defendants are not required to respond to the complaint in any action
14 consolidated into this action, other than a consolidated complaint or a complaint designated as
15 the operative complaint.

16 5. Plaintiffs shall file a Consolidated Complaint ("Consolidated Complaint") by
17 January 25, 2013, unless otherwise agreed upon by the parties or ordered by the Court. The
18 Consolidated Complaint shall be the operative complaint and shall supersede all complaints filed
19 in any of the actions consolidated herein. Defendants shall respond to the Consolidated
20 Complaint within sixty days after service, unless otherwise agreed by the parties or ordered by
21 the Court. In the event that defendants file any motions directed at the Consolidated Complaint,
22 the opposition and reply briefs shall be filed within sixty and thirty days, respectively, of the
23 motions, unless otherwise agreed upon by the parties or ordered by the Court. Counsel agrees to
24 confer to select a hearing date.

25 6. The Co-Lead Counsel for plaintiffs for the conduct of these consolidated actions
26 are:

1 ROBBINS ARROYO LLP
2 600 B Street, Suite 1900
3 San Diego, CA 92101
Telephone: (619) 525-3990
Facsimile: (619) 525-3991

4 and

5 ROBBINS GELLER RUDMAN & DOWD LLP
Post Montgomery Center
6 One Montgomery Street, Suite 1800
7 San Francisco, CA 94104
Telephone: (415) 288-4545
Facsimile: (415) 288-4534

8
9 7. Plaintiffs' Co-Lead Counsel shall have sole authority to speak for plaintiffs in
10 matters regarding pre-trial procedure, trial, and settlement and shall make all work assignments
11 in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid
12 duplicative or unproductive effort.

13 8. Plaintiffs' Co-Lead Counsel shall be responsible for coordinating all activities and
14 appearances on behalf of plaintiffs. No motion, request for discovery, or other pre-trial or trial
15 proceedings shall be initiated or filed by any plaintiff except through plaintiffs' Co-Lead
16 Counsel.

17 9. Plaintiffs' Co-Lead Counsel shall be available and responsible for
18 communications to and from this Court, including distributing orders and other directions from
19 the Court to counsel. Plaintiffs' Co-Lead Counsel shall be responsible for creating and
20 maintaining a master service list of all parties and their respective counsel.

21 10. Defendants' counsel may rely upon all agreements made with plaintiffs' Co-Lead
22 Counsel, or other duly authorized representative of plaintiffs' Co-Lead Counsel, and such
23 agreements shall be binding on all plaintiffs.

24 11. Defendants' counsel signing this stipulation shall appear for and accept service on
25 behalf of all their clients who have not already been served.

26 12. Defendants take no position as to the appointment of Co-Lead Counsel.
27
28

1 13. This Order shall apply to each case, arising out of the same or substantially the
2 same transactions or events as these cases, which is subsequently filed in, remanded to or
3 transferred to this Court.

4 14. When a case which properly belongs as part of the *In re OCZ Technology Group,*
5 *Inc. Shareholder Derivative Litigation*, Lead Case No. C-12-05556-RS, is hereafter filed in the
6 Court or transferred here from another court, this Court requests the assistance of counsel in
7 calling to the attention of the clerk of the Court the filing or transfer of any case which might
8 properly be consolidated as part of the *In re OCZ Technology Group, Inc. Shareholder*
9 *Derivative Litigation*, Lead Case No. C-12-05556-RS, and Co-Lead Counsel are to assist in
10 assuring that counsel in subsequent actions receive notice of this Order. All such related
11 derivative actions that are subsequently filed in, or transferred to, this District shall be
12 consolidated into this action.

13 15. Pursuant to Fed. R. Civ. P. 5(b)(2)(E)-(F), service by e-mail transmission shall be
14 permitted in addition to service via ECF notification. For non-CM/ECF participants, service
15 shall be deemed effective upon transmission of the service e-mail.

16 Dated: January 8, 2013

ROBBINS ARROYO LLP
BRIAN J. ROBBINS
GEORGE C. AGUILAR
LAUREN N. OCHENDUSZKO

s/ George C. Aguilar
GEORGE C. AGUILAR

20 600 B Street, Suite 1900
21 San Diego, CA 92101
22 Telephone: (619) 525-3990
23 Facsimile: (619) 525-3991
24 brobbins@robbinsarroyo.com
25 gaguilar@robbinsarroyo.com
26 lochenduszko@robbinsarroyo.com

27 *Proposed Co-Lead Counsel for Plaintiffs and*
28 *Counsel for Plaintiffs Ian Cassiman and Clair*
29 *Vanderschaaf*

1 Dated: January 8, 2013
2
3

ROBBINS GELLER RUDMAN
& DOWD LLP
TRAVIS E. DOWNS III
BENNY C. GOODMAN III
ERIK W. LUEDEKE

4 s/ Travis E. Downs III
5 TRAVIS E. DOWNS III

6 555 West Broadway, Suite 1900
7 San Diego, CA 92101
8 Telephone: (619) 231-1058
9 Facsimile: (619) 231-7423
10 travisd@rgrdlaw.com
11 bennyg@rgrdlaw.com
12 eluedeke@rgrdlaw.com

13 ROBBINS GELLER RUDMAN
& DOWD LLP
14 SHAWN A. WILLIAMS
15 Post Montgomery Center
16 One Montgomery Street, Suite 1800
17 San Francisco, CA 94104
18 Telephone: (415) 288-4545
19 Facsimile: (415) 288-4534
20 shawnw@rgrdlaw.com

21 *Proposed Co-Lead Counsel for Plaintiffs and
Counsel for Plaintiff Robert L. Morton*

22 LAW OFFICE OF
23 ALFRED G. YATES, JR., P.C.
24 ALFRED G. YATES, JR.
25 519 Allegheny Building
26 429 Forbes Avenue
27 Pittsburgh, PA 15219
28 Telephone: (412) 391-5164
Facsimile: (415) 471-1033

Counsel for Plaintiff Robert L. Morton

21 Dated: January 8, 2013
22
23

WILSON SONSINI GOODRICH & ROSATI
BORIS FELDMAN
DIANE WALTERS

24 s/ Diane Walters
25 DIANE WALTERS

26 650 Page Mill Road
27 Palo Alto, CA 94304
Telephone: (650) 493-9300
Facsimile: (650) 493-6811
boris.feldman@wsgr.com

1 dwalters@wsgr.com
2
3
4

5 *Counsel for defendants Arthur F. Knapp, Jr.,*
6 *Ralph H. Schmitt, Adam J. Epstein, Richard L.*
7 *Hunter, Russell J. Knittel, and nominal defendant*
8 *OCZ Technology Group, Inc.*

9
10 I, George C. Aguilar, am the ECF User whose ID and password are being used to file this
11 Stipulation Consolidating Related Actions, Appointing Co-Lead Counsel and Related Matters
12 and [Proposed] Order Thereon. In compliance with General Order No. 45, X.B., I hereby attest
13 that Diane Walters and Travis E. Downs, III have concurred in this filing.
14

15 s/ George C. Aguilar
16 GEORGE C. AGUILAR
17
18
19
20
21
22
23
24
25
26
27
28

* * *

14 **ORDER**

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 1/14/13
17 DATED

18
19
20
21
22
23
24
25
26
27
28

HONORABLE RICHARD T. DEBORG
UNITED STATES DISTRICT JUDGE

821795